

§ 212. Persons entitled to passport

No passport shall be granted or issued to or verified for any other persons than those owing allegiance, whether citizens or not, to the United States.

(R.S. § 4076; June 14, 1902, ch. 1088, § 2, 32 Stat. 386.)

CODIFICATION

R.S. § 4076 derived from act May 30, 1866, ch. 102, 14 Stat. 54.

AMENDMENTS

1902—Act June 14, 1902, substituted “those owing allegiance, whether citizens or not, to the United States” for “citizens of the United States”.

§ 212a. Restriction of passports for sex tourism**(a) In general**

Following any conviction of an individual for a violation of section 2423 of title 18, the Attorney General shall notify in a timely manner—

- (1) the Secretary of State for appropriate action under subsection (b); and
- (2) the Secretary of Homeland Security for appropriate action under the Immigration and Nationality Act [8 U.S.C. 1101 et seq.].

(b) Authority to restrict passport**(1) Ineligibility for passport****(A) In general**

The Secretary of State shall not issue a passport or passport card to an individual who is convicted of a violation of section 2423 of title 18 during the covered period if the individual used a passport or passport card or otherwise crossed an international border in committing the offense.

(B) Passport revocation

The Secretary of State shall revoke a passport or passport card previously issued to an individual described in subparagraph (A).

(2) Exceptions**(A) Emergency and humanitarian situations**

Notwithstanding paragraph (1), the Secretary of State may issue a passport or passport card, in emergency circumstances or for humanitarian reasons, to an individual described in paragraph (1)(A).

(B) Limitation for return to United States

Notwithstanding paragraph (1), the Secretary of State may, prior to revocation, limit a previously issued passport or passport card only for return travel to the United States, or may issue a limited passport or passport card that only permits return travel to the United States.

(3) Definitions

In this subsection—

(A) the term “covered period” means the period beginning on the date on which an individual is convicted of a violation of section 2423 of title 18 and ending on the later of—

- (i) the date on which the individual is released from a sentence of imprisonment relating to the offense; and
- (ii) the end of a period of parole or other supervised release of the covered individual relating to the offense; and

(B) the term “imprisonment” means being confined in or otherwise restricted to a jail, prison, half-way house, treatment facility, or another institution, on a full or part-time basis, pursuant to the sentence imposed as the result of a criminal conviction.

(Pub. L. 110-457, title II, § 236, Dec. 23, 2008, 122 Stat. 5082.)

REFERENCES IN TEXT

The Immigration and Nationality Act, referred to in subsec. (a)(2), is act June 27, 1952, ch. 477, 66 Stat. 163, which is classified principally to chapter 12 (§1101 et seq.) of Title 8, Aliens and Nationality. For complete classification of this Act to the Code, see Short Title note set out under section 1101 of Title 8 and Tables.

§ 213. Application for passport; verification by oath of initial passport

Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application which shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. If the applicant has not previously been issued a United States passport, the application shall be duly verified by his oath before a person authorized and empowered by the Secretary of State to administer oaths.

(June 15, 1917, ch. 30, title IX, § 1, 40 Stat. 227; Pub. L. 90-428, § 3, July 26, 1968, 82 Stat. 446.)

CODIFICATION

Second sentence of act June 15, 1917, which related to fees for taking application for passport, was omitted as superseded by sections 214 to 217a of this title.

AMENDMENTS

1968—Pub. L. 90-428 substituted provisions requiring that the initial passport application be duly verified under oath before a person authorized and empowered by the Secretary of State to administer oaths for provisions requiring that each passport application be duly verified under oath before a person authorized and empowered to administer oaths.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-428 effective on thirtieth day following July 26, 1968, see section 4 of Pub. L. 90-428, set out as a note under section 217a of this title.

ISSUANCE OF PASSPORTS FOR CHILDREN UNDER AGE 14

Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 236], Nov. 29, 1999, 113 Stat. 1536, 1501A-430, provided that:

“(a) IN GENERAL.—

“(1) REGULATIONS.—Not later than 1 year after the date of the enactment of this Act [Nov. 29, 1999], the Secretary of State shall issue regulations providing that before a child under the age of 14 years is issued a passport the requirements under paragraph (2) shall apply under penalty of perjury.

“(2) REQUIREMENTS.—

“(A) Both parents, or the child’s legal guardian, must execute the application and provide documentary evidence demonstrating that they are the parents or guardian; or

“(B) the person executing the application must provide documentary evidence that such person—

“(i) has sole custody of the child;

“(ii) has the consent of the other parent to the issuance of the passport; or

“(iii) is in loco parentis and has the consent of both parents, of a parent with sole custody over the child, or of the child’s legal guardian, to the issuance of the passport.

“(b) EXCEPTIONS.—The regulations required by subsection (a) may provide for exceptions in exigent circumstances, such as those involving the health or welfare of the child, or when the Secretary determines that issuance of a passport is warranted by special family circumstances.”

§ 214. Fees for execution and issuance of passports; persons excused from payment

(a) There shall be collected and paid into the Treasury of the United States a fee, prescribed by the Secretary of State by regulation, for the filing of each application for a passport (including the cost of passport issuance and use) and a fee, prescribed by the Secretary of State by regulation, for executing each such application except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service. Such fees shall not be refundable, except as the Secretary may by regulation prescribe. No passport fee shall be collected from an officer or employee of the United States proceeding abroad in the discharge of official duties, or from members of his immediate family; from an American seaman who requires a passport in connection with his duties aboard an American flag-vessel; from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes. No execution fee shall be collected for an application made before a Federal official by a person excused from payment of the passport fee under this section.

(b)(1) The Secretary of State may by regulation establish and collect a surcharge on applicable fees for the filing of each application for a passport in order to cover the costs of meeting the increased demand for passports as a result of actions taken to comply with section 7209(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 8 U.S.C. 1185 note). Such surcharge shall be in addition to the fees provided for in subsection (a) and in addition to the surcharges or fees otherwise authorized by law and shall be deposited as an offsetting collection to the appropriate Department of State appropriation, to remain available until expended for the purposes of meeting such costs.

(2) The authority to collect the surcharge provided under paragraph (1) may not be exercised after September 30, 2010.

(3) The Secretary of State shall ensure that, to the extent practicable, the total cost of a passport application during fiscal years 2006 and 2007, including the surcharge authorized under paragraph (1), shall not exceed the cost of the passport application as of December 1, 2005.

(June 4, 1920, ch. 223, § 1, 41 Stat. 750; Feb. 10, 1956, ch. 31, 70 Stat. 11; Pub. L. 90-428, § 2, July 26,

1968, 82 Stat. 446; Pub. L. 92-14, § 1, May 14, 1971, 85 Stat. 38; Pub. L. 93-417, Sept. 17, 1974, 88 Stat. 1151; Pub. L. 97-241, title I, § 116(a), Aug. 24, 1982, 96 Stat. 279; Pub. L. 104-208, div. A, title I, § 101(a) [title IV, § 407], Sept. 30, 1996, 110 Stat. 3009, 3009-55; Pub. L. 106-113, div. B, § 1000(a)(7) [div. A, title II, § 233(a)], Nov. 29, 1999, 113 Stat. 1536, 1501A-426; Pub. L. 109-167, § 2, Jan. 10, 2006, 119 Stat. 3578; Pub. L. 109-210, § 1, Mar. 24, 2006, 120 Stat. 319; Pub. L. 109-472, § 5, Jan. 11, 2007, 120 Stat. 3555.)

AMENDMENTS

2007—Subsec. (a). Pub. L. 109-472 substituted “from a widow” for “or from a widow” and inserted “; or from an individual or individuals abroad, returning to the United States, when the Secretary determines that foregoing the collection of such fee is justified for humanitarian reasons or for law enforcement purposes” after “memorial service for such member”.

2006—Pub. L. 109-167 designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a). Pub. L. 109-210 substituted “or from a widow, widower, child, parent, grandparent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member or to attend a funeral or memorial service for such member” for “or from a widow, child, parent, brother, or sister of a deceased member of the Armed Forces proceeding abroad to visit the grave of such member”.

1999—Pub. L. 106-113, in first sentence, substituted “the filing of each application for a passport (including the cost of passport issuance and use)” for “each passport issued” and “each such application except” for “each application for a passport; except” and inserted after first sentence “Such fees shall not be refundable, except as the Secretary may by regulation prescribe.”

1996—Pub. L. 104-208 inserted “; except that the Secretary of State may by regulation authorize State officials or the United States Postal Service to collect and retain the execution fee for each application for a passport accepted by such officials or by that Service” before period at end of first sentence and struck out after first sentence “Nothing contained in this section shall be construed to limit the right of the Secretary of State by regulation (1) to authorize State officials to collect and retain the execution fee, or (2) to transfer to the United States Postal Service the execution fee for each application accepted by that Service.”

1982—Pub. L. 97-241 substituted provision that the Secretary of State prescribe by regulation the fee for passports for provision that a fee of \$10 be charged for each passport and that the fees be collected and paid into the Treasury quarterly.

1974—Pub. L. 93-417 substituted provisions authorizing the Secretary of State to prescribe fees for execution of applications for passports by regulation for provisions prescribing a fixed fee of \$2, substituted “United States Postal Service” for “Postal Service”, and struck out references to the fee of \$2 in the proviso relating to the rights of the Secretary of State.

1971—Pub. L. 92-14 authorized the United States Postal Service to receive the fee of \$2 for execution of an application for a passport.

1968—Pub. L. 90-428 increased from \$1.00 to \$2.00 and from \$9.00 to \$10.00, respectively, the fees for the execution and the issuance of passports, struck out “to a citizen or person owing allegiance to or entitled to the protection of the United States” after “for each passport issued”, restricted the exemption for seamen to American seamen requiring a passport in connection with duties aboard an American flag-vessel, and inserted provision excusing a person exempted from a passport fee from paying an execution fee.

1956—Act Feb. 10, 1956, increased from \$1 to \$2 the fee for executing passport applications, and reworded authorization of State officials to collect and retain \$2 fee.